

REMARKS

The Office Action dated January 9, 2008, ("Office Action") has been received and carefully considered. Claims 1-3, 5-12, 14-21, and 26-29 are pending in the application. In this response, claims 1, 3, 5, 10, 21, 27, and 29 have been amended. No new matter has been added. Entry of the amendments to claims 1, 3, 5, 10, 21, 27, and 29 is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks. Applicants believe that the application is in condition for allowance and notice thereof is respectfully requested.

At the outset, the undersigned thanks the Examiner for the courtesies extended during the interview conducted on April 7, 2008, during which agreement was reached regarding amendments to overcome the outstanding rejections in the present application, which is reflected herein.

I. **THE ALLOWANCE OF CLAIMS 19, 20, 26 and 28**

Applicants note with appreciation the indication on page 3 of the Office Action that Claims 19, 20, 26 and 28 have been allowed. Applicants note with equal appreciation the indication on page 3 of the Office Action that claims 1-3 and 5-9 would be allowable pending the withdrawal of the 35 U.S.C. § 112, second paragraph rejections regarding independent claim 1. Independent claim 1 has been amended in this manner, and thus should now be allowable. Acknowledgement of same is respectfully requested.

II. THE INDEFINITENESS REJECTION OF CLAIMS 1-3 AND 5-9

On page 2 of the Office Action, claims 1-3 and 5-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. This rejection is hereby respectfully traversed.

The Examiner alleges that claim 1 calls for the evaluation of a plurality of method for generating intermediate data sets and it is unclear what result, if any, is produced by the evaluating step and how such result is related to the remainder of claimed invention. Applicants respectfully submit that claim 1 is definite and distinctly claim the subject matter, however, in order to further prosecution of the present application, claim 1 has been amended as recited above. Applicants respectfully submit that the evaluating step of the amended claim 1 produces a result of “a method for generating intermediate data sets within the data source(s) for calculating the desired data result set.” *See, e.g.,* Specification page 15, line 27 to page 16, line 3. Therefore, Applicants respectfully submit that claim 1 is definite and distinctly claim the subject matter.

Regarding claims 2-3 and 5-9, these claims recite subject matter dependent upon claim 1. Thus, Applicants respectfully request the allowance of claims 2-3 and 5-9 for at least the same reasons as set forth above with respect to claim 1.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness rejection of claims 1-3 and 5-9 be withdrawn.

III. THE NON-STATUTORY SUBJECT MATTER REJECTION OF CLAIMS 10-12, 14-18, 21, 27 AND 29

On page 2 of the Office Action, claims 10-12, 14-18, 21, 27 and 29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is hereby respectfully traversed.

Regarding claim 10, the Examiner asserts that the last step of claim 10 is a step of evaluating a plurality of method, from which no result is produced. Therefore, the Examiner concluded that claim 10 lacks a useful, concrete and tangible result since no result is produced at all. Applicants respectfully submit that claim 10 does in fact produce a useful, concrete and tangible result, however, in order to further the prosecution of the present application, claim 10 has been amended as recited above. Specifically, claim 10 recites “returning a method for generating intermediate data sets.” Therefore, the evaluation of “a plurality of methods for generating intermediate data sets,” produces a result of “a method for generating intermediate data sets.” Therefore, Applicants respectfully submit that amended claim 10 does not lack a useful, concrete and tangible result.

Regarding claims 11, 12 and 14-18, these claims recite subject matter dependent upon claim 10. Thus, Applicants respectfully request the allowance of claims 11, 12 and 14-18 at least the same reasons as set forth above with respect to claim 10.

Regarding claim 21, the Examiner asserts that the last step of claim 21 is a step of evaluating a plurality of method, from which no result is produced. Therefore, the Examiner concluded that claim 21 lacks a useful, concrete and tangible result since no result is produced at all. Applicants respectfully submit that claim 21 does in fact produce a useful, concrete and tangible result, however, in order to further the prosecution of the present application, claim 21

has been amended as recited above. Specifically, claim 21 recites “evaluating a plurality of methods for generating intermediate data sets, and returning a method for generating intermediate data sets.” Therefore, the evaluation of “a plurality of methods for generating intermediate data sets,” produces a result of “a method for generating intermediate data sets.” Therefore, Applicants respectfully submit that amended claim 21 does not lack a useful, concrete and tangible result.

Regarding claim 27, the Examiner asserts that the last step of claim 27 involves a step of evaluating a plurality of method, from which no result is produced. Therefore, the Examiner concluded that claim 27 lacks a useful, concrete and tangible result since no result is produced at all. Applicants respectfully submit that claim 27 does in fact produce a useful, concrete and tangible result, “wherein the step of evaluating a plurality of methods for generating intermediate data sets comprises determining whether creation of a permanent table, temporary table, view, derived table, or sub-query is the most efficient method for handling intermediate data calculations.” Therefore, the step of evaluating a plurality of methods produces the result of “the most efficient method for handling intermediate data calculations, and returning the most efficient method for handling intermediate data calculations.” Therefore, the step of evaluating a plurality of methods for generating intermediate data sets does produce a useful, concrete and tangible result. Therefore, Applicants respectfully submit that claim 27 does not lack a useful, concrete and tangible result and allowance of claim 27 is respectfully requested.

Regarding claim 29, the Examiner asserts that the last step of claim 29 involves a step of evaluating a plurality of method, from which no result is produced. Therefore, the Examiner concluded that claim 29 lacks a useful, concrete and tangible result since no result is produced at all. Applicants respectfully submit that claim 29 does in fact produce a useful, concrete and

tangible result, “wherein the process optimization module’s evaluation of a plurality of methods for generating intermediate data sets comprises determining whether creation of a permanent table, temporary table, view, derived table, or sub-query is the most efficient method for handling intermediate data calculations, and returning the most efficient method for handling intermediate data calculations.” Therefore, the step of evaluating a plurality of methods produces the result of “the most efficient method for handling intermediate data calculations.” Thus, Applicants respectfully submits that the step of evaluating a plurality of methods for generating intermediate data sets does produce a useful, concrete and tangible result. Therefore, Applicants respectfully submit that claim 29 does not lack a useful, concrete and tangible result and allowance of claim 29 is respectfully requested.

In view of the foregoing, it is respectfully requested that the aforementioned non-statutory subject matter rejection of claims 10-12, 14-18, 21, 27 and 29 be withdrawn.

CONCLUSION

Since the cited references, taken either singly or in combination, fail to teach or suggest the combinations set forth in the pending claims, and further fail to provide any motivation or suggestion of the desirability of modifying the structures or methods to arrive at the claimed combinations, Applicants respectfully submit that the pending claims are allowable over the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections, allow the pending claims, and pass the application to issue.

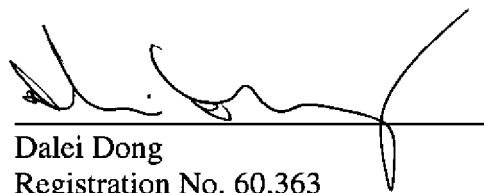
If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:



Dalei Dong
Registration No. 60,363
For
Brian M. Buroker
Registration No. 39,125

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Hunton & Williams, L.L.P.
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)